



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 14 2013

Michael Bayes, Esq.
Holtzman Vogel Josefiak PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20186

RE: MUR 6571
Bruce L. Poliquin
Poliquin for U.S. Senate and
Timothy L. Thompson in his
official capacity as treasurer

Dear Mr. Bayes:

On May 14, 2012, the Federal Election Commission notified your clients, Bruce L. Poliquin and Poliquin for U.S. Senate and Timothy L. Thompson in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On June 11, 2013, the Commission found that, on the basis of the information in the complaint, and information provided by your clients, there is no reason to believe they violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Anthony Herman
General Counsel

Jeff S. Jordan /K/

BY: Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration

Enclosure:
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Poliquin for U.S. Senate and
Timothy L. Thompson, as treasurer and
Bruce L. Poliquin

MUR 6571

I. INTRODUCTION

This matter was generated by a complaint filed by Gerald Weinand alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Bruce L. Poliquin, Poliquin for U.S. Senate and Timothy L. Thompson in his official capacity as treasurer (the "Respondents"). After reviewing the record, the Commission found no reason to believe that Respondents violated the Act.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that Bruce L. Poliquin¹ and Poliquin for U.S. Senate and Timothy L. Thompson in his official capacity as treasurer (the "Committee") violated the Act when Respondents failed to file a Statement of Candidacy and a 2012 April Quarterly Report after Poliquin qualified as a candidate.² Compl. at 1-2. Specifically, the Complaint contends that the Committee received a contribution from Alamo PAC of \$5,000 on March 6, 2012, which triggered Poliquin's candidate status and that the Committee made expenditures, including hiring workers to collect the signatures the candidate needed to qualify for the ballot, hosting a kick-off party, and creating and hosting a website for the campaign. *Id.*

¹ Bruce L. Poliquin was an unsuccessful primary candidate seeking the Republican nomination to represent Maine in the United States Senate.

² The Complaint states that a "candidate for Congress must file a FEC Form 2 if '[t]he aggregate of contributions received in 1 and 2 above combined exceeds \$5,000 or the aggregate of expenditures made in 1 and 2 above combined exceeds \$5,000.'" Compl. at 1.

1 In its Response, the Committee asserts that Poliquin did not become a candidate until
2 after April 1, 2012. Resp. at 1-2. Specifically, the Committee notes that it received less than
3 \$5,000 in contributions and made less than \$5,000 in expenditures prior to April 1, 2012.³ *Id.*
4 The Committee states that Poliquin did not receive Alamo PAC's \$5,000 contribution until April
5 20, 2012, because the contribution had been sent to the wrong address. Resp. at 2. Therefore,
6 the Committee argues that Poliquin had no obligation to file a disclosure report referencing the
7 Alamo PAC contribution with the Commission until after April 20, 2012, when its receipts
8 exceeded \$5,000. Resp. at 2-4.

9 **B. Legal Analysis**

10 Under the Act, an individual must file a Statement of Candidacy, or FEC Form 2,
11 designating his or her principal campaign committee within 15 days after becoming a candidate.
12 2 U.S.C. § 432(e)(1); 11 C.F.R. § 101.1(a). And, an individual becomes a candidate for federal
13 office when he or she receives contributions or makes expenditures in excess of \$5,000.
14 2 U.S.C. § 431(2); 11 C.F.R. § 100.3. In its 2012 Pre-Primary Report, the Committee reported
15 receiving \$5,000 from Alamo PAC on April 20, 2012. *See* 2012 Pre-Primary Report at 36 (filed
16 May 31, 2012). However, on April 1, 2012 Poliquin was invoiced for \$414.44 for "e-mail
17 related costs and acquisition of an additional domain name," which, when aggregated with the
18 Committee's earlier expenditures, exceeded the filing threshold for total expenditures. Thus, on
19 that date, Poliquin satisfied the statutory definition of candidate, because he had made in excess
20 of \$5,000 in expenditures. Consequently, Poliquin was required to file a FEC Form 2 within 15

³ The Committee notes that Poliquin paid expenses consisting of \$576.60 for an airline ticket and \$533.18 for lodging. Resp. at 2.

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1 days of April 1, 2012. Since Poliquin had already filed his FEC Form 2 on April 5, 2012, he
2 complied with the registration requirements set forth in the Act and Commission regulations.

3 The Commission's regulations also require a candidate who files an FEC Form 2 to
4 designate a principal campaign committee and, within 10 days after designation, file an FEC
5 Form 1 (Statement of Organization). 2 U.S.C. § 433(a); 11 C.F.R. § 102.1(a). Here, the
6 Committee filed its Statement of Organization on April 5, 2012, the same day that Poliquin filed
7 his Statement of Candidacy. Compl. at 2. Therefore, the Committee timely filed its Statement of
8 Organization.

9 An authorized committee for a candidate must file both quarterly and, when necessary,
10 pre-election reports. 11 C.F.R. § 104.5(a)(1)-(2). A Pre-Primary Report must be filed "no later
11 than 12 days before any primary election . . . in which the candidate seeks election." 11 C.F.R.
12 § 104.5(a)(2). The Pre-Primary Report must disclose "all receipts and disbursements as of the
13 20th day before a primary . . . election." 11 C.F.R. § 104.5(a)(2)(B). Based on the activity
14 referenced in the Complaint and Response, the first disclosure report required to be filed by the
15 Committee would have been the 2012 Pre-Primary Report. Since the Committee filed its 2012
16 Pre-Primary Report on May 31, 2012, for the period March 1, 2012 through May 23, 2012, it
17 complied with the Act's reporting requirements.

18 The Complaint makes several allegations against Poliquin and his Committee based upon
19 inaccurate information. Upon a review of the record, it appears that Poliquin properly registered
20 his candidacy and principal campaign committee and his Committee filed its initial disclosure
21 report. Therefore, the Commission found no reason to believe that Bruce L. Poliquin and

- 1 Poliquin for U.S. Senate and Timothy L. Thompson in his official capacity as treasurer violated
- 2 the Act with regard to the allegations in this matter.

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